

**HOMESTRETCH LOT 2, AP  
3-LOT SUBSEQUENT MINOR SUBDIVISION AND SUBDIVISION FOR LEASE OR RENT AND  
ONE VARIANCE REQUEST**

**STAFF REPORT FOR BOARD OF COUNTY COMMISSIONERS**

**CASE PLANNER:** Randy Fifrick *RF*

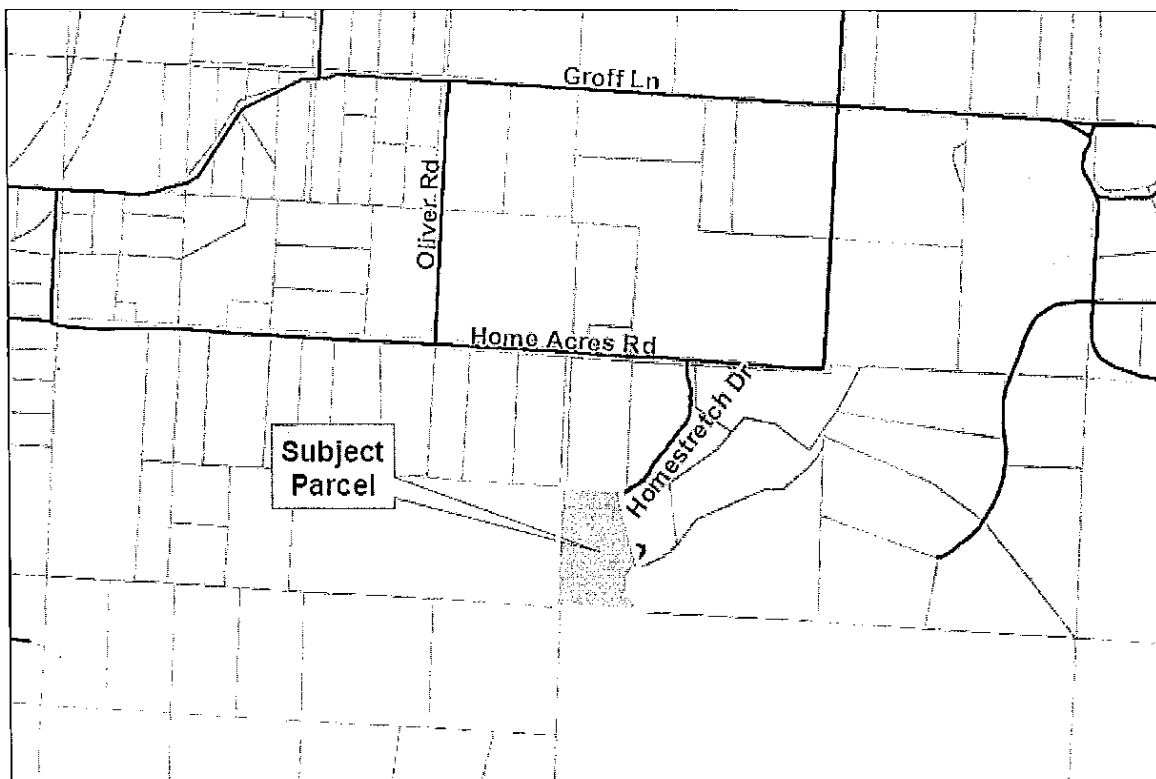
**REVIEWED/  
APPROVED BY:** Tristan Riddell *TR*

**PUBLIC MEETINGS:** BCC Public Hearing: 9:00 a.m. January 8, 2009  
Deadline for BCC action (60 working days): February 13, 2009

**SUBDIVIDER:** Peggy Steffes  
680 Homestretch Drive  
Stevensville, MT 59870

**REPRESENTATIVE:** Applebury Survey  
914 U.S. Highway 93  
Victor, MT 59875

**LOCATION OF REQUEST:** The property is located southeast of Stevensville on Homestretch Drive. (See Map 1)



**Map 1: Location Map**  
(Source Data: Ravalli County GIS Department)  
*Homestretch Lot 2, AP Subdivision Staff Report*  
Page 1 of 7  
Issued: December 23, 2008

**LEGAL DESCRIPTION  
OF PROPERTY:**

AP Lot 2, Homestretch Subdivision; SW 1/4 of Section 25, T8N,  
R20W, P.M.M., Ravalli County, Montana.

**APPLICATION  
INFORMATION:**

The subdivision application was deemed sufficient on November 17, 2008. Agencies were notified of the subdivision in letters dated February 8, 2008 and December 12, 2008. Comments received from agencies are Exhibits A-1 through A-2 of the staff report. **This subdivision is being reviewed under the Ravalli County Subdivision Regulations (RCSR) amended May 24, 2007.**

**LEGAL NOTIFICATION:**

Notice of the project was posted on the property and adjacent property owners were notified of the subdivision in a letter dated December 12, 2008. No public comments have been received to date.

**DEVELOPMENT  
PATTERN:**

Subject property:	Residence and Bed & Breakfast
North:	Vacant Rural Land
South:	Vacant Rural Land
East:	Residence
West:	Vacant Rural Land

**INTRODUCTION**

The subdivision proposal is for three lots and one additional barn/guest house structure on 21.63 acres. Access to this property is via Home Acres Road and Homestretch Drive. The applicant has requested one variance for this subdivision, which is from Section 5-4-4, Table B-1 of the Ravalli County Subdivision Regulations (RCSR), for maximum road grades and maximum cul-de-sac length. The subdivision regulations require a maximum road grade of 10%, but the proposed road is approximately 11.5%. The subdivision regulations require cul-de-sacs to be no longer than 1,400 feet, but the proposed road length is approximately 2,400 feet.

Without a variance from Section 5-4-4(h), Table B-1, the current proposal for the internal road would not comply with the standards set forth in the Ravalli County Subdivision Regulations (RCSR) and the application would be deemed insufficient based on lack of preliminarily approved road plans.

*Staff recommends denial of the variance request.*

RAVALLI COUNTY BOARD OF COUNTY COMMISSIONERS  
JANUARY 8, 2009

HOMESTRETCH LOT 2, AP  
3-LOT SUBSEQUENT MINOR SUBDIVISION AND SUBDIVISION FOR LEASE OR RENT AND  
ONE VARIANCE REQUEST

**RECOMMENDED MOTION**

That the variance request from Section 5-4-4(h), Table B-1 of the Ravalli County Subdivision Regulations to allow for the cul-de-sac length to exceed 1400-feet and road grade to exceed 10%, be **denied**, based on the findings of fact and conclusions of law in the staff report.

*Without a variance from Section 5-4-4(h), Table B-1, the current proposal for the internal road would not comply with the standards set forth in the Ravalli County Subdivision Regulations (RCSR) and the application would be deemed insufficient based on lack of preliminarily approved road plans.*

*If the variance request is approved by the BCC, a motion should be made to continue the public hearing to January 29, 2009, at which time the Board will hear the subdivision proposal.*

## **VARIANCE REPORT**

### **VARIANCE REQUEST**

The applicant has requested a variance from Section 5-4-4(h), Table B-1 of the Ravalli County Subdivision Regulations for maximum road grades and maximum cul-de-sac length. The subdivision regulations require a maximum road grade of 10%, but the proposed road is approximately 11.5%. Furthermore, the subdivision regulations require cul-de-sacs to be no longer than 1,400 feet, but the proposed cul-de-sac length is approximately 2,400 feet.

### **Compliance with Review Criteria**

#### **A. The granting of the variance will not be substantially detrimental to the public health, safety or general welfare or injurious to other adjoining properties.**

##### **Findings of Fact:**

1. The variance application states that re-grading the roadway would have a negative effect on the existing driveway to Lot 5B (AP 495234). It continues to state that the proposed improvements to the roadway would provide a safer access for emergency vehicles than the existing gravel roadway.
2. The existing driveway to Lot 5B (AP 495234) appears to not be effected by any road grading. The required road improvements will end approximately 400 feet prior to the existing driveway of Lot 5B (AP 495234). (Staff Determination, Homestretch Lot 2 Application)
3. The subdivision has the potential to generate 16 trips per day to Homestretch Drive, estimating 8 trips per day per new lot. (Homestretch Lot 2 Application)
4. Section 5-4-1(5) of the RCSR states that "road standards should be designed to promote public health, safety and welfare." Varying from the adopted road standards has a direct impact on public health and safety. (RCSR Section 5-4-1(5))
5. Section 5-4-1(9) of the RCSR states that "cul-de-sacs represent a viable means of providing access to properties provided the length does not become too long." (RCSR Section 5-4-1(9))
6. The RCSR require cul-de-sacs to be no longer than 1,400 feet, but the proposed road length is approximately 2,400 feet. (Homestretch Lot 2 Application)
7. In a letter dated March 27, 2008, Bill Perrin, Chief of the Stevensville Rural Fire Department (SRFD) states the SRFD cannot insure adequate fire protection for this subdivision. The SRFD is requesting denial of the road grade variance unless the new homes install sprinkler systems. The SRFD has no objection to the cul-de-sac variance. (Exhibit A-1)
8. Ravalli County does not have Building Codes nor does the County currently have the ability to enforce Building Codes. Even if the subdivider agreed to require that all new homes install sprinkler systems as a condition of approval, the County would have no means of ensuring such condition was met. (Staff Determination)
9. In the preliminary plat decision for the Homestretch minor subdivision an email from the SRFD states that future development of the site would require upgrading the road to a full 24-foot wide travel surface with a maximum grade of 6%. (Homestretch PPD, Homestretch Lot 2 File)
10. The proposed road has a maximum grade of approximately 11.5%. Section 5-4-4(h), Table B-1 of the RCSR allows for a maximum grade of 10%. (Homestretch Lot 2 Application)
11. The road grade in the RCSR is established to provide a maximum grade at which emergency service providers will be able to access the subject property. Exceeding the grade specified in the RCSR may result in the inability of emergency service providers to access the site in the case of an emergency. (Staff Determination)
12. In an email dated December 18, 2008, David Ohnstad, Road Supervisor for the Ravalli County Road and Bridge Department, states the following: "The design standard for Maximum Grade for Local Rural Roads at a 25 mph design speed is 11% in "rolling" terrain (AASHTO Green Book). Any deviation from that guidance would require justification and mitigation through a

Design Exception. Relative to the (subdivision regulations) variance request for maximum grade, the Road & Bridge Department would not support a design exceeding the above referenced guidance absent, again, a completed Design Exception proposal". (Exhibit A-2)

13. While the AASHTO Green Book may provide for a maximum grade up to 11% for similar situations, the Ravalli County Subdivision Regulations specifically provide that road grade may not exceed 10%. Section 1-5 of the RCSR states that when a provision of the RCSR conflicts with any other local, state, or federal regulation, in general the most restrictive requirement that imposes the highest standard shall control. Further, with respect to the Road standards in Chapter 5, any conflicts shall be interpreted according to a hierarchy that states the provisions in the RCSR have weight over the provisions in AASHTO. (Staff Determination)
14. In his email dated December 18, 2008, David Ohnstad further went on to state that for the requested variance for cul-de-sac length, they would not oppose the request provided there is some identified justification. (Exhibit A-2)

Conclusions of Law:

1. The applicant has not provided justification suitable for the granting of the variance
2. The granting of this variance may be substantially detrimental to the public health, safety, and general welfare.

**B. The conditions on which the request for a variance is based are unique to the property on which the variance is sought and are not applicable generally to other property.**

Findings of Fact:

1. The application states that the conditions are unique to this property as the roadway is an existing gravel surface and all that is proposed is to have it paved and widened. (Homestretch Lot 2 Application)
2. There are many other properties in Ravalli County that are accessed via long gravel cul-de-sac roads. The RCSR require all lots serving three to five units within the subdivision to be hard surfaced. (Staff Determination and RCSR Section 5-4-5(b)(2))

Conclusion of Law:

The conditions upon which the variance is proposed are not unique to the property.

**C. Physical conditions, such as topography or parcel shape, prevent the applicant from meeting the strict letter of these regulations. These conditions shall not result from the past actions of the land's current or previous owner(s).**

Findings of Fact:

1. The application states that the existing driveway to Lot 5B (AP 495234) is already very steep. It further states that complying with the 10% road grade would result in lowering the roadway about 3' at the driveway, making it impossible to provide a safe connection. (Homestretch Lot 2 Application)
2. The existing driveway to Lot 5B (AP 495234) appears to not be effected by any road grading. The required road improvements will end approximately 400 feet prior to the existing driveway of Lot 5B (AP 495234). (Staff Determination, Homestretch Lot 2 Application)
3. Applying proper design and engineering, it is not unlikely that the road could be reconstructed to meet the grade specified within the RCSR while preserving the integrity of the existing access to Lot 5B. (Staff Determination)
4. When the road was originally constructed by the lands current or previous owner(s) it could have been built at a lesser grade. (Staff Determination)
5. The current landowner requested a variance from improving Homestretch Drive during the Homestretch Subdivision (2004), that subdivision created the parcel which is now proposed for further subdivision. (Homestretch PPD, Homestretch Lot 2 File)

Conclusion of Law:

Physical conditions do not prevent the applicant from meeting the strict letter of the regulations.

**D. The variance will not in any manner vary the provision of the zoning regulations or the Growth Policy.**

Findings of Fact:

1. The unincorporated areas of Ravalli County are not zoned, excepting voluntary zoning districts. (Clerk & Recorder's Office)
2. The property is not within one of Ravalli County's adopted voluntary zoning districts. (Clerk & Recorder's Office)
3. Ravalli County voters voted to repeal the County's Growth Policy in the 2008 General Election. Consequently, Ravalli County does not have a Growth Policy. (2008 Ravalli County General Election (R-1-08))

Conclusion of Law:

Neither zoning regulations nor the Growth Policy apply to the variance request.

**E. The variance will not cause a substantial increase in public costs.**

Findings of Fact:

1. The application states that the variance will not cause any increase in public costs. (Homestretch Lot 2 Application)
2. The costs associated with improving the road are private costs to be borne by the developer. (RCSR 5-1-6)

Conclusion of Law:

Granting the variance should not cause a substantial increase in public costs.

**Prerequisite Variance Criteria**

**A. Strict compliance with these regulations will result in undue hardship.**

Findings of Fact:

1. The conclusion for Criterion B is that the conditions upon which the variance is proposed are not unique to the property.
2. The conclusion for Criterion C is that physical conditions do not prevent the applicant from meeting the strict letter of the regulations.

Conclusion of Law:

Strict compliance with these regulations will not result in undue hardship.

**B. Compliance is not essential to the public welfare.**

Findings of Fact:

1. The conclusion for Criterion A is that by granting this variance, there would be significant negative impacts on public health, safety, and general welfare.
2. The conclusions for Criterion D are that zoning regulations do not apply to the variance request, and that consistency with an adopted growth policy is not applicable.
3. The conclusion for Criterion E is that the granting of the variance should not cause a substantial increase in public costs.

Conclusion of Law:

Compliance is essential to the public welfare.

**C. Overall Conclusion on Hardship and Public Welfare**

The variance application provides evidence that there is not an undue hardship and that compliance with the RCSR is essential to the public welfare.

Stevensville Rural Fire District  
P.O. Box 667  
Stevensville, MT 59870

MAR 28 2008  
PC-08-03-298  
Ravalli County Planning Dept.

March 27, 2008

Ravalli County Planning Board  
Attn: Randy Fifrick  
215 South 4<sup>th</sup>, Suite F  
Hamilton, MT 59840

Re: Homestretch, Lot 2, AP

Dear Mr. Fifrick,

Sorry this is late in getting to your office. I have driven the road referred to in the variance request. The Stevensville Rural Fire District cannot insure adequate fire protection to the 4 lots in the sub-division. We would request that any new homes built in this sub-division be required to be sprinklerd. We are therefore requesting denial of the road grade variance unless the new homes are sprinklerd. We do not object to the cul-de-sac variance.

Sincerely,



Bill Perrin, Chief  
Stevensville Rural Fire District

BP:slm

EXHIBIT A-1



## Randy Fifrick

---

**From:** David Ohnstad  
**Sent:** Thursday, December 18, 2008 8:44 AM  
**To:** Randy Fifrick  
**Subject:** RE: Homestretch Lot 2 Notification

Randy -

The design standard for Maximum Grade for Local Rural Roads @ a 25 mph design speed is 11% in "rolling" terrain (AASHTO Green Book). Any deviation from that guidance would require justification and mitigation through a Design Exception. Relative to the (subdivision regulations) variance request for maximum grade, the Road & Bridge Department would not support a design exceeding the above referenced guidance absent, again, a completed Design Exception proposal.

Regarding the requested variance for cul-de-sac length, we would not oppose the request provided there is some identified justification.

David

*DAVID H. OHNSTAD  
COUNTY ROAD SUPERVISOR  
RAVALLI COUNTY, MONTANA*

---

**From:** Randy Fifrick  
**Sent:** Wednesday, December 17, 2008 4:01 PM  
**To:** David Ohnstad  
**Subject:** Homestretch Lot 2 Notification

David,

Below you will find the notification I sent out on Friday that never made it to your office. Any comments you could provide on the variance would be appreciated.

Date: December 12, 2008  
To: Interested Agencies  
From: Randy Fifrick  
Cc: Outgoing Correspondence File, Subdivision File  
Enc: Reduced plat & vicinity map

**Subject: Agency Comment on Homestretch Lot 2, AP Subdivision**

The Planning Department solicited comments from your office regarding the above-mentioned subdivision on February 8, 2008. In that letter, you were informed that we would notify you when the subdivision was deemed sufficient.

This letter is to inform you that the subdivision has been deemed sufficient, and is scheduled for review by the Ravalli County Board of Commissioners (BCC) at **9:00 am on Thursday, January 8, 2008** in the Commissioners' Conference Room on the third floor of the Administrative Center (215 S. 4th Street, Hamilton).

Exhibit A-2

12/18/2008

The subdivision proposal is for three lots and one additional barn/guest house structure on 21.63 acres. Access to this property is via Home Acres Road and Homestretch Drive. The applicant has requested one variance for this subdivision, which is from Section 5-4-4, Table B-1 of the Ravalli County Subdivision Regulations, for maximum road grades and maximum cul-de-sac length. The subdivision regulations require a maximum road grade of 10%, but the proposed road is approximately 11.5%. The subdivision regulations require cul-de-sacs to be no longer than 1,400 feet, but the proposed road length is approximately 2,400 feet.

Although the Planning Department encourages agencies to submit feedback upon the initial notification, comments will be accepted at any time prior to the public hearing. Comments may also be delivered in person at the BCC public hearing. Please note, however, that only under select circumstances will new information be allowed into the record *after* the public hearing. Please submit any written comments you may have by December 23, 2008 so they can be included in the Staff Report.

***Please be advised that the meeting time noted above is for when the hearing begins and that there may be multiple items on the agenda.***

Thanks,

***Randy Fifrick***

Ravalli County Planner I  
215 S 4th St, Suite F  
Hamilton, MT 59840  
406-375-6530  
[rfifrick@ravallicounty.mt.gov](mailto:rfifrick@ravallicounty.mt.gov)